

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STATE OF NEVADA, et al.,

Case No.: 2:18-cv-01806-APG-PAL

Plaintiffs

Order Remanding Case

V.

ARAH MUABA BEY,

Defendant

8 Defendant Arah Muaba Bey attempted to remove this traffic case from the Las Vegas
9 Justice Court, Traffic Division. ECF No. 1. Federal district courts are courts of limited
10 jurisdiction, deriving their power to hear cases from specific congressional grants of jurisdiction.
11 *U.S. v. Sumner*, 226 F.3d 1005, 1009 (9th Cir. 2000). A traffic citation in Las Vegas Justice
12 Court is based on state law, so there is no federal question jurisdiction. *See* 28 U.S.C. § 1331
13 (granting federal district court jurisdiction over “all civil actions arising under the Constitution,
14 laws, or treaties of the United States”).

15 Pursuant to 28 U.S.C. § 1332, federal district courts have original jurisdiction over civil
16 actions in diversity cases “where the matter in controversy exceeds the sum or value of \$75,000”
17 and where the matter is between “citizens of different States.” There is no basis to conclude the
18 plaintiffs seek more than \$75,000 for a traffic ticket. Nor does there appear to be sufficient
19 diversity of citizenship.

20 To the extent Bey is asserting defenses or counterclaims for alleged constitutional
21 violations in the state court action, that does not give this court subject matter jurisdiction for
22 removal purposes. *See Marin Gen. Hosp. v. Modesto & Empire Traction Co.*, 581 F.3d 941, 949
23 (9th Cir. 2009) (federal defense cannot support removal); *Takeda v. Nw. Nat. Life Ins. Co.*, 765

1 F.2d 815, 822 & n.9 (9th Cir. 1985) (“The federal question defendants raise in their
2 counterclaims does not provide a basis for removal.”). I therefore remand this case to the Las
3 Vegas Justice Court, Traffic Division.

4 IT IS THEREFORE ORDERED that this case is remanded to Las Vegas Justice Court,
5 Traffic Division for all further proceedings. The Clerk of the Court is instructed to close this
6 case.

7 DATED this 20th day of September, 2018.

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9 ANDREW P. GORDON
10 UNITED STATES DISTRICT JUDGE
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